

2022

# ANNUAL RECIPIENT RIGHTS REFRESHER

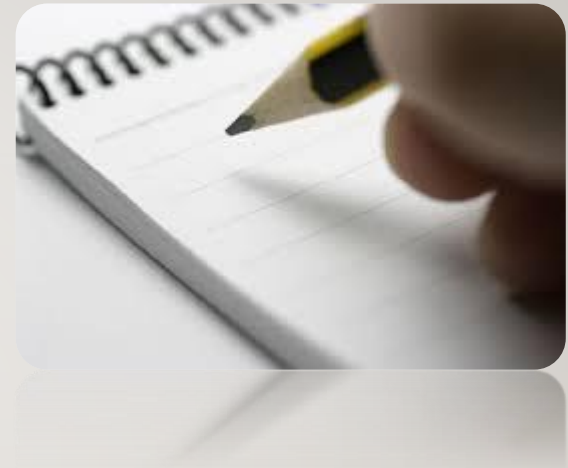
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Brian Newcomb  
Recipient Rights Director

“...to promote and protect  
the rights of recipients...”

# AGENDA

- **Defining Rights**
- **What Rights are Protected**
- **Rights of Recipients**
  - Civil Rights
  - Confidentiality
  - Abuse / Neglect
- **Investigative Process for Office of Recipient Rights**
- **Questions & Contact Information**



# What are rights?

**A RIGHT** is defined as:

"That which a person is entitled to have, to do, or to receive from others, within the limits prescribed by law".

For something to be a “right”, it must be:

- ❖ Defined by law; and
- ❖ Have a legal means of protecting it

# Unlimitable Rights

## CIVIL RIGHTS

❖ Religious Expression

❖ Freedom of Speech

❖ Search and Seizure

❖ Due Process

❖ Legal Protection

❖ Free from  
Discrimination

❖ Voting

❖ Education

## **Unlimitable Rights...**

### **Abuse / Neglect**

- **Abuse Class I & II**
- **Abuse Class III**
- **Neglect I & II**
- **Neglect III**

### **Suitable Services**

- **Dignity and Respect**
- **Informed Consent**
- **Mental Health Services Suited to Condition**
- **Choice of Mental Health Professional**
- **Notice of clinical status/progress**



# Mental Health Code

- ❖ The right to a **safe, sanitary, and humane environment**.
- ❖ The right to have **access to his or her own funds** and to be able to use them as they see fit.
- ❖ The right to have **personal property safely kept** and to have any rules regarding any limitations on using it clearly stated, consistent, and posted in a place where all can see.
- ❖ The right to have a **written plan of service** developed through a **person-centered planning process**.
- ❖ The right not to be **required to receive treatment unless the law allows** it or a court orders it.

# Rights of Recipients

## When are Limits Allowable?

**In the recipient's record you should find:**

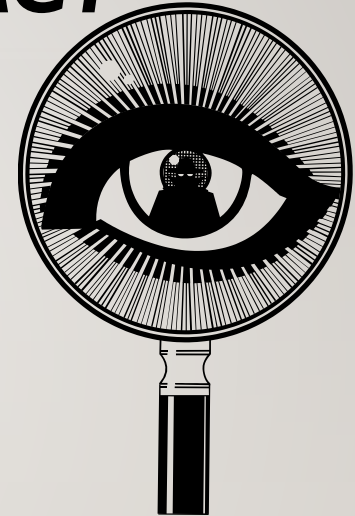
- ❖ **A description of the behavior and the limitation**
- ❖ **A time limit on the limitation**
- ❖ **An indication that previous measures to stop the behavior were unsuccessful**
- ❖ **An indication that the limitation is the least restrictive or intrusive action possible**
- ❖ **Measures to reduce or eliminate the behavior (this is the action you will take when the behavior occurs)**
- ❖ **Special consent**
- ❖ **Review by the behavior treatment committee**

## CONFIDENTIALITY

***ALL RECIPIENTS EXPECT PRIVACY***

### What Is Confidential?

- ❖ Identity of recipient
- ❖ Information in the record
- ❖ Any information acquired In the course of providing services...everything else!





# Rights of Recipients

**SHALL BE KEPT CONFIDENTIAL**

- ❖ **Not Disclosed To Anyone Or Open To Public Inspection...**
- ❖ **Except In Circumstances And Under Conditions Allowed By Law**

**CONFIDENTIAL**

## Reporting Abuse & Neglect

**ABUSE and NEGLECT MUST BE  
REPORTED**

**IMMEDIATE ORAL REPORT**

and



**WRITTEN REPORT WITHIN 24 HOURS**

**DIRECTLY TO THE  
OFFICE OF RECIPIENT RIGHTS**

# REPORTING ABUSE AND NEGLECT

- ❖ **When you see or hear about a recipient being abused or neglected, it is important that you take action quickly!**
- ❖ **Protecting the recipient is your primary responsibility. The failure to report abuse or neglect will result in your being charged with neglect as well.**
- ❖ **All violations must be verbally reported immediately and followed up by a written report within 24 hours or at the end of your shift.**

## THE INVESTIGATIVE PROCESS

- **The Recipient Rights Office has access to all documentation and any staff necessary to complete the investigation.**
- **You are expected to honestly answer questions about work-related matters asked by the Rights Office, the State Police, and DHHS and Industry authorities who are conducting a review or investigation.**
- **The Mental Health Code requires an investigation be completed within 90 days of receipt of the complaint.**
- **A “Report of Investigative Findings” will be given to the Executive Director of the CMH agency and to the service provider.**
- **The CMH Executive Director is responsible to issue a report summarizing the investigation to the complainant and the recipient within 10 days after receiving the investigate report.**



IS THERE A Possible  
VIOLATION ?



**On 6/23/XXXX, ORR received a complaint from John, group home staff, alleging that the two available showers were broken, and recipients have not bathed or showered in a week.**

**Is there a possible violation? If so, what Mental Health Category does it fit under?**

**On July 9, 20XX, the ORR received a complaint from Mary Jones, recipient, stating that on July 7, her therapist, Jane Doe, called her son at his home to find out if he knew where she was as she was 10 minutes late for her therapy appointment. Ms. Jones had written in her son's name and phone number in her medical record as an emergency contact only.**

**Is there a possible violation? If so, what Mental Health Category does it fit under?**



**On May 9, 20XX, the ORR received a complaint from recipient, Dina Bunker, stating that on May 4, 20XX, group home staff, John Doe, wouldn't let her go outside to walk because she had left her radio on too loudly the night before and it bothered people.**

**Is there a possible violation? If so, what Mental Health Category does it fit under?**



**On March 10, 20XX, the ORR received a complaint from RN Bobby Mears reporting that recipient Robert Johnson alleged that, on March 9, 20XX, staff person Linda Joseph held him from behind in a seated position with her arms wrapped around him and the hold was unnecessary.**

**Is there a possible violation? If so, what Mental Health Category does it fit under?**



**On June 23, 20XX, the ORR received a complaint from recipient Alice that she was petitioned by CMH staff and Certified by the ER physician for admission without her consent.**

**Is there a possible violation? If so, what Mental Health Category does it fit under?**





**On June 23, 20XX, the ORR received a complaint from recipient Lisa stating she wants to get a job and keeps bringing it up at her treatment planning meeting. Lisa alleges that her case manager never puts anything about her wanting a job in her plan and keeps telling her she's not ready. This has been going on for about a year.**

**Is there a possible violation? If so, what Mental Health Category does it fit under?**



**On June 23, 20XX, the ORR received a complaint from Chris, group home staff, that as staff returned home from an outing with recipients, they found a recipient John sitting on the couch in the home alone and realized that recipient John had been left at the home during the outing. Recipient John requires 24-hour care. Staff Chris did not report this until six months after the incident or they (staff) would get in trouble.**

**Is there a possible violation? If so, what Mental Health Category does it fit under?**




**On January 1, 20XX, the ORR received a complaint from recipient Jack's guardian Anna, that ACT Advocate Roberta was yelling at her and told her to "shut the hell up" during PCP meeting with recipient.**

**Is there a possible violation? If so, what Mental Health Category does it fit under?**



# JUST A COUPLE OF REMINDERS

- ❖ **Posters Contain Recipient Rights Contact Information**
  - ❖ **ORR Duties**
    - **Prevention, Monitoring, Education, Complaint Resolution**
- ❖ **Abuse and Neglect Reporting Requirements**
- ❖ **Other Items**
  - **RR Books**
  - **Complaint Forms**
- ❖ **Calls us if you have questions ... We are happy to help!**



DON'T  
FORGET

# CONTACT ORR

**Brian Newcomb (Traverse City)**

**(231) 935-3170**

**brian.newcomb@nlcmh.org**

**Director**

**Alyssa Heider (Traverse City)**

**(989) 348-0018**

**alyssa.heider@nlcmh.org**

**Specialist**

**Lisa Jones (Grayling)**

**(231) 935-3873**

**lisa.jones@nlcmh.org**

**Advisor**

**Brittany Moen (Cadillac)**

**(231) 876-3251**

**brittany.moen@nlcmh.org**

**Advisor**

**Ian Pegan-Naylor (Traverse City)**

**(231) 938-4938**

**ian.pegan-naylor@nlcmh.org**

**Advisor**





**“Safeguarding the rights of others is the most noble and beautiful end of a human being”**

**Kahlil Gibran**



**The Office of Recipient Rights thanks you  
for helping to protect the rights of our  
recipients!**